

REMARKS

A Substitute Specification and a Substitute Abstract are enclosed, each of which are believed to comply with the requirements of the Examiner.

Claim 65 has been cancelled, without prejudice or disclaimer.

Reconsideration is respectfully requested for Claims 1-4, 15, 22-25, 34, 51, 54 and 64, said claims having been variously rejected and objected to as follows:

Claim 1 has been objected to, but in light of the current amendment, claim 1 is believed to be fully responsive to the Examiner's objection.

Claims 1 and 51 have been rejected under 35 USC 112. However, as currently amended, claims 1 and 51 are believed to fully comply with the provisions of 35 USC 112.

Claims 1-4, 15, 22-25, 34, 51, 54 and 64 have been rejected under 35 USC 101. This rejection is respectfully traversed.

The Examiner alleges, in substance, that claims 1, 22, 51 and 64, the only independent claims presently in this application, call for nothing more than a manipulation of data which produces no concrete, useful, or tangible result.

Looking first at claim 1, the claim calls for a method which obtains and stores the estimated data, (purely physical step), receives and stores the actual data from the seller via a communication network (a physical step), compares the actual data to the estimated data to determine any discrepancy between the stored actual data and the stored estimated data (a physical step) and notifies the seller of any discrepancy, whereupon notice of the discrepancy the seller can account for any discrepancy, i.e., reconciling the difference. This could not be a more concrete, useful, or tangible result. These steps having nothing to do with the mere manipulation of data. They involve physical steps which result in the seller being able to account for a discrepancy. These steps do not involve the mere manipulation of data.

In a similar vein, the last four (4) lines of claim 22 call for the processor to compare the

actual data to the estimated data to determine any discrepancy between the actual data and the estimated data, and for the processor to notify the buyer via the first interface of the discrepancy. These are actual physical steps. These steps do not involve the mere manipulation of data.

In a similar vein, claim 51 calls for a method of receiving at least a first response at the work flow system via a communication network; receiving the at least one second response at the work flow system; comparing the at least one first response to the at least one second response and finally, presenting the comparison to the buyer through an interface via the communication network. With all due respect, these are physical steps, and do not merely involve a mere manipulation of data.

In a similar vein, claim 64 calls for buyer interface; a seller interface for receiving a first response and a second response; a memory for storing a first response and second response and a processor connected to the buyer interface, and the seller interface, and a memory, in which the processor compares the at least one first response to the second response and the processor presents the comparison to the buyer via the buyer interface. These are physical steps, they are not merely a manipulation of data.

Accordingly , claims 1-4, 15, 22-25, 34, 51, 54, and 64, are believed to be fully compliant with the requirements of 35 USC 101.

Claim 1 has been rejected under 35 USC 102(a) as being anticipated by “Prima vera” and PurchasePro.com, published by Business Wire on September 21, 1999. The Examiner alleges, in substance, that this paper obtains estimated data from any source, that it receives the actual data from the seller via a communication network, it compares the actual data to the estimated data to determine any discrepancy between the actual data and the estimated data and notifies the seller of any discrepancy, whereupon notice of discrepancy the seller can account for any discrepancy. Moreover, the Examiner alleges that this reference discloses obtaining the

estimated data from different manufactures for a construction project. In furtherance of this allegation, the Examiner quotes from page 1 and page 2, line 15, from page 2, lines 22-27, and from page 2, lines 28-35. This rejection of claim 1 is respectfully traversed.

Although there is no question that the “Prima vera” reference discusses , much as a person might prepare a “wish list” for Christmas, the gathering of information such as purchasing procurement data, orders, inside delivery, a material inspection date, and various project administration and project management contact details. However, there is no teaching or even a suggestion in this paper of obtaining and storing estimated data, receiving and storing the actual data, comparing the actual data to the estimated data and notifying the seller of any discrepancy between the actual data and the estimated data, allowing the seller to account for any discrepancy.

A major portion of the reference document relates to competitive bidding on products. This aspect is explored in the third full paragraph on page 2 in the document. The nature of competitive bidding involves the ability of the buyer to compare prices, goods and services, delivery times, etc. This paper does not address the activities of the successful bidder and supplying the goods and services to the buyer, or the comparison of the estimated data to the actual data, or the ability to reconcile the compared difference, i. e. the discrepancy.

The remainder of the third page of the “Prima vera” reference provides nothing of relevance to the present invention. It never once mentions this type of obtaining/estimating data, or this type of receiving the actual data by the communication network, or comparing the actual data to the estimated data to determine any discrepancies, or to notify the seller of the discrepancy so the seller can account for any discrepancy.

The Examiner concludes the rejection under 35 USC 102 based upon the statement that it is considered inherit to notify the seller of any discrepancy and for the discrepancy to be accounted for by the seller. This feature is not inherent, because to be inherent it must be

suggested somewhere in this reference that one takes the estimated data and compares it with the actual data and then makes a comparison of the estimated data with the actual data and allows the seller to account for the discrepancy. This is nowhere taught or even suggested in this reference. It is therefore respectfully requested that the rejection of claim 1 based upon this reference under 35 USC 102 be withdrawn.

Claims 22-25, 34, 51, 54, and 64 have been rejected under 35 USC 103 based upon US Patent No. 5,826,244 to Huberman (the '244 patent) in view of US Patent No. 4,903,201 to Wagner (the '201 patent). This rejection is respectfully traversed.

The Huberman '244 reference is non-analogous art, and relates merely to a system for conducting an auction of document services. In short, it involves only the negotiation of the purchase prior to be paid for the document services. The Abstract defines a bidding process which is used to determine which of the bidders receives the job to be done. The Huberman '244 reference is silent as to any steps of storing estimating data, storing actual data, comparing the estimated data with the actual data, and notifying the buyer of any discrepancy.

U.S. Patent No. 4,903,201 to Wagner (the '201 patent) also involves non-analogous art. Wagner is directed solely to a process used with the sales of future commodity contracts, and the matching of "buy" orders with "sell" orders, all as is described in the Field of the Invention, first full paragraph. It does not relate at all to the steps of storing estimated data, storing actual data, comparing the estimated data with the actual data, and notifying the buyer of any discrepancy.

Thus, the Huberman '244 patent and the Wagner '201 patent, either taken alone or in combination, fail to disclose, teach, or even suggest the steps spelled out in claims 22-25, 34, 51, and 64.

The Examiner also makes reference to U.S. Patent No. 5,907,490 to Oliver as being pertinent to the applicant's disclosure, coupled with a statement that the Oliver '490 patent

discloses project management and assessment. However, the Oliver '490 patent has been carefully reviewed, and would appear to be even less relevant to the present claims than that of the Huberman '244 patent and the Wagner '201 patent.

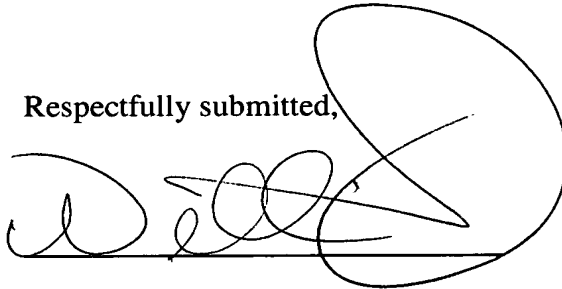
For the reasons as set forth herein above, claims 1-4, 15, 22-25, 34, 51, 54 and 64 are believed to be patentable over the art of record and a favorable consideration is respectfully requested for such claims.

The undersigned Attorney for the Applicant would welcome a telephone interview with the Examiner, should the Examiner be of the opinion that such an interview would advance the prosecution of this application.

9/18/07

Date

Respectfully submitted,

A large, stylized handwritten signature in black ink, likely belonging to William E. Johnson, Jr. The signature is written over a horizontal line.

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